



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

September 3, 2013

Mr. Jason Leopold
Investigative Reporter

jasonleopold@gmail.com

Re: FOIA-2013-04763
FOIA-2013-04764
VRB:DRH:ND

Dear Mr. Leopold:

This responds to your two Freedom of Information Act (FOIA) requests made via the Office of Information Policy eFOIA Portal, assigned the above-referenced tracking numbers, and received in this Office on August 21, 2013, in which you requested (1) a copy of the first two hundred pages of e-mails sent or received by Melanie Ann Pustay, Director of the Office of Information Policy, that contain the word "FOIA" from July 1, 2012 to November 1, 2012, and (2) a copy of the administrative appeal log from 2011. This response is made on behalf of the Office of Information Policy (OIP).

Please be advised that based on the subjects and date of receipt of your two above-referenced requests, it appears that your requests are, with minor exceptions, identical to those of a requester who has failed to pay fees incurred in the processing of his two requests.

Specifically, your request for Ms. Pustay's e-mails containing the word "FOIA" is identical in both wording and time frame to that of another requester, with the only variable being that you seek two hundred pages rather than one hundred. Likewise, your request for the administrative appeal log is worded identically to that of another requester, with the exception of a broader time frame. Further, the timing of your requests, which were made on the same day that this Office notified the original requester via e-mail that his requests were being closed administratively for failure to pay accrued fees, suggest that your requests are being made on behalf of the original requester.

Department regulations stipulate that "where a component reasonably believes that a requester or a group of requesters acting together is attempting to divide a request into a series of requests for the purpose of avoiding fees, the components may aggregate those requests and charge accordingly." See 28 C.F.R. § 16.11(h) (2013). In this instance, your requests have led us to reasonably believe that they are being made for the purpose of avoiding fees accrued by the original requester. As such, we are administratively closing the two above-referenced tracking numbers associated with your requests. We will not process these requests until the original requester has paid the outstanding fees he has accrued in the processing of his two requests, along with all applicable interest charges. See id. § 16.11(g).

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through this Office's [eFOIA Portal](#). Your appeal must be received within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked AFreedom of Information Act Appeal.®

Sincerely,

A handwritten signature in blue ink, appearing to read 'V-R-B', followed by a horizontal line.

Vanessa R. Brinkmann
Counsel, Initial Request Staff